

AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 654

Introduced by Assembly Member Cardoza

February 23, 1999

~~An act to add Chapter 2.6 (commencing with Section 62670) to Part 3 of Division 21 of the Food and Agricultural Code, relating to agriculture. An act to add Section 19304 to the Food and Agricultural Code, relating to rendering plants, making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 654, as amended, Cardoza. ~~Dairies: catastrophic event insurance program~~ Rendering plant: odor.

Existing law requires a person engaged in the business of rendering to obtain a license for each rendering plant. Existing law also prohibits a local government, after January 1, 2000, from bringing a nuisance action against a licensed commercial rendering plant due to odor problems if that rendering plant meets specified conditions, unless the odor problem is the result of a substantial increase in activities or operations, occurring after January 1, 1993, that has a significant effect on the environment.

This bill would require the Department of Food and Agriculture to conduct a study to determine odor level using particulate levels for rendering plants that are within $\frac{1}{2}$ mile of a school. The bill would require the department to report its findings and recommendations to the Legislature by June

1, 2001. The bill would also appropriate \$50,000 to the department to conduct the study.

(1) Existing law provides for a Milk Producers Security Trust Fund for protection of milk producers against loss of payment for bulk milk.

This bill would provide for a catastrophic dairy livestock and milk loss insurance program, as prescribed. Every person owning, leasing, or operating a dairy operation would be required to pay an unspecified amount to the department. Because the failure to comply with this requirement would, under existing law, be a crime, the bill would impose a state-mandated local program by creating a new crime. The money would be deposited in the Livestock and Milk Loss Insurance Fund, which the bill would create. The money in the fund would be used, upon appropriation, to purchase insurance, as specified.

The Secretary of Food and Agriculture would be authorized to adopt regulations for the procedures and for guidelines to be used for making claims against the insurance.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 2.6 (commencing with Section~~
 2 ~~SECTION 1. Section 19304 is added to the Food and~~
 3 ~~Agricultural Code, to read:~~
 4 ~~19304. (a) The Department of Food and Agriculture~~
 5 ~~shall conduct a study to determine odor level using~~
 6 ~~particulate levels for rendering plants that are within~~
 7 ~~one-half mile of a school.~~
 8 ~~(b) The study required in subdivision (a) shall be~~
 9 ~~conducted in consultation with the California Air~~
 10 ~~Resources Board, an industry representative, and other~~

1 state and private organizations that the secretary
2 determines will provide useful advice and expertise in
3 designing and conducting the study.

4 (c) The department shall report its findings and
5 recommendations to the Legislature by June 1, 2001.

6 (d) The sum of fifty thousand dollars (\$50,000), is
7 hereby appropriated from the General Fund to the
8 Department of Food and Agriculture for the purpose of
9 conducting the study described in subdivision (a).

10 62670) is added to Part 3 of Division 21 of the Food and
11 Agricultural Code, to read:

12
13 CHAPTER 2.6. ~~CATASTROPHIC DAIRY LIVESTOCK AND~~
14 ~~MILK LOSS INSURANCE PROGRAM~~
15

16 62670. (a) Every person owning, leasing, or
17 operating a dairy operation shall pay _____ mils per
18 _____ of milk to the department. The department shall
19 deposit the money it receives pursuant to this section in
20 the Livestock and Milk Loss Insurance Fund, which is
21 hereby created, to be used, upon appropriation, to
22 purchase insurance for the replacement of livestock and
23 milk lost due to occurrences related to catastrophic
24 events.

25 (b) As used in this chapter, fund means the Livestock
26 and Milk Loss Insurance Fund.

27 62671. Any person or entity paying into the fund shall
28 be eligible to make claims against the insurance for
29 reimbursement of livestock and milk lost due to a
30 catastrophic event. The secretary may adopt regulations
31 for the procedures and for guidelines to be used for
32 making claims.

33 SEC. 2. No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition

1 ~~of a crime within the meaning of Section 6 of Article~~
2 ~~XIII B of the California Constitution.~~

O

